

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JUSTIN MILES COOTE,
Plaintiff

v.

**JOHN DOE 1, PENNSYLVANIA
BOARD HEARING EXAMINER, et al.,
Defendants**

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No. 1:24-cv-01118

(Judge Kane)

ORDER

AND NOW, on this 17th day of June 2025, upon consideration of pro se Plaintiff Justin Miles Coote (“Coote”)’s complaint (Doc. No. 1), application for leave to proceed in forma pauperis (“IFP Application”) (Doc. No. 6), and certified prisoner trust fund account statement (Doc. No. 5), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. The IFP Application (Doc. No. 6) is **GRANTED**;
2. The complaint (Doc. No. 1) is **DEEMED FILED**;
3. The complaint (Doc. No. 1) is **DISMISSED** as follows:
 - a. Coote’s claims under 42 U.S.C. § 1983 (“Section 1983”) against Defendants in their official capacities for monetary damages are **DISMISSED WITHOUT PREJUDICE**;
 - b. Coote’s request to be released from incarceration is **DISMISSED WITHOUT PREJUDICE** to Coote seeking such relief through a properly filed petition for a writ of habeas corpus;
 - c. Coote’s claims under Section 1983 against Defendants in their individual capacities are **DISMISSED WITHOUT PREJUDICE** to Coote refiling them if he later receives a favorable termination of his parole revocation proceedings; and
 - d. Coote’s claims against Defendants for monetary damages based on alleged violations of the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**; and

4. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania